

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CONGREGATION RABBINICAL COLLEGE OF  
TARTIKOV, INC., RABBI MORDECHAI BABAD,  
RABBI WOLF BRIEF, RABBI HERMEN KAHANA,  
RABBI MEIR MARGULIS, RABBI GERGELY  
NEUMAN, RABBI MEILECH MENCZER,  
RABBI JACOB HERSHKOWITZ, RABBI  
CHAIM ROSENBERG, RABBI DAVID A.  
MENCZER, and RABBI ARYEH ROYDE,

Case No. 07-CV6304(KMK)

Plaintiffs,

-against-

VILLAGE OF POMONA, NY; BOARD OF TRUSTEES OF  
THE VILLAGE OF POMONA, NY; SANDERSON,  
AS MAYOR; IAN BANKS as Trustee and in his official capacity,  
ALMA SANDERS ROMAN as Trustee and in her official capacity,  
RITA LOUIE as Trustee and in her official capacity,  
and BRETT YAGEL, as Trustee and in his official capacity,

Defendants.

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**DECLARATION OF PAUL SAVAD IN SUPPORT OF PLAINTIFFS' MOTION FOR  
SANCTIONS DUE TO SPOILIATION OF EVIDENCE**

PAUL SAVAD, an attorney duly admitted to the Bar of this State and this Court, declares  
as follows, pursuant to 28 U.S.C. § 1746:

1. I am a member of Savad Churgin, attorneys for Plaintiffs Congregation Rabbinical  
College of Tartikov, Inc. ("Tartikov" or the "Rabbinical College"), Rabbi Mordechai Babad, Rabbi Wolf  
Brief, Rabbi Hermen Kahana, Rabbi Meir Margulis, Rabbi Meilech Menczer, Rabbi Jacob Hershkowitz,  
Rabbi Chaim Rosenberg, and Rabbi David A. Menczer (collectively, the "Plaintiffs"). I submit this  
declaration in support of Plaintiffs' Motion for Sanctions Due to Spoliation of Evidence.

2. Attached hereto as Exhibit 1 is a true and correct copy of an on-line post made by Mayor Brett Yagel as a comment to a Rockland Times article on March 18, 2015.

3. Attached hereto as Exhibit 2 is a true and correct copy of a March 19, 2015 e-mail from my office to Defendants' counsel.

4. Attached hereto as Exhibit 3 is a true and correct copy of a March 25, 2015 letter from Defendants' counsel to my office.

5. Attached hereto as Exhibit 4 is a true and correct copy of a screenshot of texts between Mayor Yagel and Trustee Louie dated Friday, May 10 that my office received from Defendants' counsel on March 25, 2015.

6. Attached hereto as Exhibit 5 is a true and correct copy of Defendants' Responses to Plaintiffs' First Interrogatory, dated July 3, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Defendants' counsel to Magistrate Judge Yanthis, dated September 3, 2013.

8. Attached hereto as Exhibit 7 is a true and correct copy of an e-mail dated January 9, 2007 entitled "Agenda for 1/22/07 Posted on Village Website" which was produced by Defendants as POM 17133.

9. Attached hereto as Exhibit 8 is a true and correct copy of an e-mail dated January 9, 2007 entitled "Re: Wetlands Law" which was produced by Defendants as POM 17132.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition of Herbert Marshall, taken on April 30, 2014.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition of Nicholas Sanderson, taken on July 31, 2014.

12. Attached hereto as Exhibit 11 is a true and correct copy of a letter dated August 29, 2007 entitled "Document Hold and Preservation Notice" produced by Defendants as POM 7310-7314.

13. Attached hereto as Exhibit 12 is a true and correct copy of a letter dated December 17, 2008 from me to Defendants' counsel entitled "Demand for Preservation of Electronically Stored Information."

14. Attached hereto as Exhibit 13 is a true and correct copy of Plaintiffs' Second Set of Requests for Documents.

15. Attached hereto as Exhibit 14 is a true and correct copy of Defendants' Supplemental Responses to Plaintiffs' Second Set of Requests for Documents.

16. Attached hereto as Exhibit 15 is a true and correct copy of Facebook posts from Trustee Rita Louie (also known as Rita Jablonski) which were produced by Defendants.

17. Attached hereto as Exhibit 16 is a true and correct copy of the transcript from a hearing in this matter before Magistrate Judge Yanthis on October 4, 2013.

18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the transcript of the January, 22, 2007 Village Board Meeting, as transcribed by Sandy Saunders Court Reporters. The full transcript was produced to Defendants as RC 1065-1173 on April 17, 2013.

19. Attached hereto as Exhibit 18 is a true and correct copy of an e-mail dated April 19, 2007 which was produced by Defendants as POM 17039.

20. Attached hereto as Exhibit 19 is a true and correct copy of an e-mail dated May 30, 2007 which was produced by Defendants as POM 33403.

21. Attached hereto as Exhibit 20 is a true and correct copy of an e-mail dated February 12, 2007 which was produced by Defendants as POM 17120.

22. Attached hereto as Exhibit 21 is a true and correct copy of an e-mail dated April 2, 2007 which was produced by Defendants as POM 17094.

23. Attached hereto as Exhibit 22 is a true and correct copy of an e-mail dated May 11, 2007 which was produced by Defendants as POM 33424.

24. Attached hereto as Exhibit 23 is a true and correct copy of the Affidavit of Laura M. Kraemer, dated January 14, 2008, which was submitted in support of Plaintiffs' Opposition to Defendants' Motion to Dismiss.

25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the deposition of Rita Louie, taken on June 16, 2014.

26. Attached hereto as Exhibit 25 is a true and correct copy of a letter to the Journal News editor entitled "Pomona rabbinical college not a 'natural' progression" by Lynn Yagel, published on February 1, 2007.

27. Attached hereto as Exhibit 26 is a true and correct copy of draft of a letter to the editor entitled "Pomona rabbinical college not a 'natural' progression" by Rita Louie and Brett Yagel, produced by Defendants as POM 20042.

28. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from Day 1 of the 30(b)(6) deposition of Defendants, taken on July 15, 2014.

29. Attached hereto as Exhibit 28 is a true and correct copy of Defendant's 30(b)(6) witness' supplements to her deposition testimony.

30. Attached hereto as Exhibit 29 is a true and correct copy of excerpts from the deposition of Alan Lamer, taken on May 12, 2014.

31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the deposition of Leslie Sanderson, taken on July 7, 2014.

32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the deposition of Ian Banks, taken on May 15, 2014.

33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from the deposition of Robert Prol, taken on April 9, 2014.

34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from the deposition of Alma Sanders Roman, taken on May 16, 2014.

35. Attached hereto as Exhibit 34 is a true and correct copy of excerpts from the deposition of Doris Ulman, taken on August 14, 2014.

36. Attached hereto as Exhibit 35 is a true and correct copy of an e-mail that my office received from Defendants' counsel on December 11, 2014.

37. Attached hereto as Exhibit 36 is a true and correct copy of a document entitled "Village of Pomona Audio Tapes" which was produced by Defendants.

38. Attached hereto as Exhibit 37 is a true and correct copy of a Journal News article entitled "New Pomona mayor takes office today", published on April 2, 2007.

39. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from Defendants' privilege log as produced in this case.

40. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from the transcript of the April 12, 2007 Village Board Meeting as transcribed by Sandy Saunders Court Reporters.

41. Attached hereto as Exhibit 40 is a true and correct copy of a News 12 Hudson Valley article entitled “10,500 ultra-orthodox Jewish men protest against the Internet in Rockland County” published on May 10, 2013.

42. Attached hereto as Exhibit 41 is a true and correct copy of election campaign materials for Nicholas Sanderson, Brett Yagel and Rita Louie which were produced by Defendants as POM 20045.

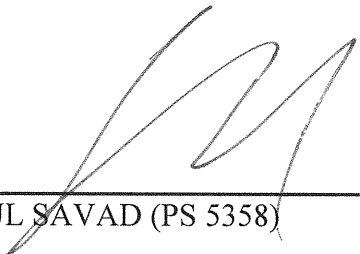
43. Attached hereto as Exhibit 42 is a true and correct copy of a March 26, 2015 e-mail from Defendants’ counsel to my office.

44. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from the deposition of Brett Yagel, taken on May 8, 2014.

45. Attached hereto as Exhibit 44 is a true and correct copy of the minutes from the December 18, 2006 Village Board Meeting, as produced by Defendants as POM 11933-11944.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Nanuet, New York  
June 3, 2015

  
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PAUL SAVAD (PS 5358)